HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

R.S.A No.3902 of 2000
Date of decision : 16.4.2007

Dhan Kaur and others **.....Appellants**

versus

Dalip Singh and others **.....Respondents**

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.S.S.Salar, Advocate for the appellants.

* * *

ORDER

HEMANT GUPTA, J.

The defendants are in second appeal aggrieved against the judgment and decree passed by the Courts below whereby suit for declaration that the parties are legal heirs of deceased Jeona, was decreed.

The sole ground of challenge in the present appeal is that the suit is barred by limitation as the mutation of the estate of Jeona was sanctioned in the year 1981, whereas the suit has been filed in the year 1993.

It is well settled that sanctioning of mutation does not confer any cause of action to claim declaration in respect of title of the suit property. The right to file a suit for declaration in respect of a right arises when the said right is disputed. Thus, mere entry in the name of some of the legal heirs of Jeona in the revenue record is not sufficient to oust the claim of the plaintiffs.

I do not find any illegality or irregularity in the findings recorded by the learned Courts below which may give rise to any substantial question of law for consideration of this Court in second appeal.

Dismissed.

(HEMANT GUPTA)
JUDGE

April 16, 2007
**mohinder*